

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ERIC ARTIS §
v. § CIVIL ACTION NO. 3:21-CV-2436-S-BH
QUALITY BRAND GROUP §

**ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, Plaintiff's request for leave to proceed *in forma pauperis* on appeal [ECF No. 6] is **DENIED**.

The Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the orders filed in this case on October 6, 2021, and October 27, 2021 [ECF Nos. 5, 9]. Based on those orders, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous. The request is denied because the plaintiff has not established that she is a pauper. Her *in forma pauperis* application shows that she received income of \$4,096 on September 27, 2021 and currently has \$1,800 in cash or in a checking or savings account, which sum reflects sufficient funds to pay the applicable filing fees on appeal.

Although this Court has denied leave to proceed *in forma pauperis* on appeal, the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). *See* Fed. R. App. P. 24(a)(5).

SO ORDERED.

SIGNED November 15, 2021.


UNITED STATES DISTRICT JUDGE